

CUSTOMER NO.: 24498
Ser. No. 09/830,900

PATENT
RCA 89,269

Remarks/Arguments

Claims 1-34 are pending in this application. Claims 12-34 are allowed. Claims 1-11 are rejected under 35 USC 101 as being directed to non-statutory subject matter. Claim 1 has been amended to address the rejection under 35 USC 101. No new matter is believed to be added by the amendment.

The Office Action states that Claims 1-11 are directed to data on a medium, and that since the data does not provide any function to control the medium or to control an apparatus the data on the medium is not statutory. In response, claim 1 has been amended to clarify that the claim is direct to "a data storage element having data stored thereon, the data being readable and processed by a reader device." Further, the claim has been amended to recite "...data track comprising a plurality of data sectors read by the reader device coupled to the storage element (emphasis added)" and that "... each payload data portion further includes an application header that has control information that is read and used by the reader device to allow the reader device to filter the plurality of data packets in the payload data portion on a picture by picture basis ..." That is, the claim has been amended to recite more than just an intended use. Rather, the claims now concretely recite that the data is read by the reader device and used by the reader device to process the data on the storage medium in a particular manner, thus affecting the operation of the reader device. As such, the claims make clear that the data stored on the storage medium is used to control the operation of the reader device in a particular manner. Therefore, applicants submit that amended claim 1 satisfies 35 USC 101.

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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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By: 

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Date 5/30/07

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